

Remarks

As stated above, Applicants appreciate the Examiner's thorough examination of the subject application and request reexamination and reconsideration of the subject application in view of the preceding amendments and the following remarks.

Claims 1-47 are pending in the subject application, of which claims 1, 34, 35 and 47 are independent claims.

A. Claim Objections

Claim 14 was objected to under 37 C.F.R. §1.75(c) as being of improper dependent form. Applicants have cancelled claim 14 rendering the rejection thereof moot.

B. 35 U.S.C. §112 Rejection

Claim 30 was rejected in the present action under 35 U.S.C. §112, second paragraph. Applicants have cancelled claim 30 rendering the rejection under 35 U.S.C. §112 rejection moot.

C. 35 U.S.C. §101 Rejection

The Examiner rejected claims 1-4, 7-12, 15, 24, and 27 under 35 U.S.C. § 101 because the "claimed invention is directed to non-statutory subject matter." Office action, page 3. Applicants have cancelled claims 7 and 10-27 in the present action and with respect to claims 1-4, 8, and 9, Applicants respectfully traverse.

An invention satisfies the statutory requirements of §101 if "it is tied to a particular machine or apparatus." *In Re Bilski* 2008 WL 4757110 (Fed. Cir. 2008)(en banc). A general purpose computer, when programmed to perform a particular function, is patentable subject matter under § 101. *In re Allapat*, 31 U.S.P.Q.2d 1545, 1558 (Fed. Cir. 1994). "[S]uch programming creates a new machine, because a general purpose computer in effect becomes a

special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software." *Id.*

As amended, claim 1 (and the dependent claims therefore, 2-4, 8, 9, 28, 29, and 31-34) is tied to a particular machine: it requires the use of a single logical physically distributed information system capable of producing a user interface (amended claims, claim 1). This single logical physically distributed information system and user interface tie the process to a particular machine as described in *In re Bilski*. Such an amendment has support in specification paragraphs 5, 6, and 13. Therefore, as amended, Applicant respectfully submits that claim 1, and subsequent claims 2-4, 8, 9, 28, 29 and 31-34 are allowable subject matter under §101 and respectfully request the removal of the §101 rejection.

D. 35 U.S.C. § 102 Rejection

Claims 5, 11, 13-22, and 25-30 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 7,006,978 ("Lineberry"). However, as amended, these claims have now been either cancelled or dependent on a separate newly amended claim. Applicants respectfully request the removal of the §102(e) rejections in regards to these claims, as Applicants now believe that these claims are in condition for allowance due to the present amendments.

E. 35 U.S.C. § 103 Rejections

The examiner previously rejected claim 1 under 35 U.S.C. §103(a), as being unpatentable over Lineberry in view of Coble, et al. (USPTO Reference # 2002/0035482). As amended, claim 1 is believed to be in condition for allowance. The full text of the claim is reproduced below for convenience:

1. (currently amended) A method, comprising:
 providing a single logical physically distributed information system
 across one or more information systems of at least two enterprises;

providing an individually configurable user interface remotely connected to said single logical physically distributed information system; and
populating said individually configurable user interface with monitoring information and features regarding a corporate integration on said individually configurable user interface, comprising making a deal selection choice, planning an integration, executing a transaction, executing an integration, and making a post-integration assessment.

Applicant has amended claim 1 to include additional elements and limitations. Notably, amended claim one includes: populating said individually configurable interface with monitoring information and features regarding a corporate integration on said individually configurable user interface, comprising making a deal selection choice, planning an integration, executing a transaction, executing an integration, and making a post-integration assessment.

Applicants assert that the scope and content of the cited art does not include the elements of the claim amendments. Particularly, the scope of the cited art does not appear to encompass the combination of various types of monitoring information (e.g., "making a deal selection choice, planning an integration, executing a transaction, and making a post-integration assessment"). *Lineberry* is generally understood to disclose a program with an ability to create checklists by area (e.g. commercial, operational, human resources, legal and financial, see *Lineberry*, col. 5, lines 20-21) but does not appear to disclose an organization of monitoring information as claimed. *Coble* is generally understood to disclose a method for exchanging information between two businesses. *Marpe* is generally understood to disclose the use of object-oriented programming to program a graphical user interface to search over one or more databases. Harris is generally understood to disclose a management training system. *Simon* and *Sanchez* are generally understood to disclose training programs in a merger and acquisition environment; but none of the above cited references appears to disclose the various types of monitoring information as claimed. Because of the absence of these types of monitoring

information in the references, Applicant submits that the scope and content of the cited art is limited and does not fully cover the amended claim 1.

Further, the differences between the claimed invention and the cited art are sufficient to render the claimed invention non-obvious. As submitted above, the elements comprising the monitoring information including "making a deal selection choice, planning an integration, executing a transaction, and making a post-integration assessment" appear not to be disclosed in the above cited references and render a significant difference between the cited art and the invention as claimed. Differences between a claimed invention and cited art are sufficient to negate a §103 rejection when a person of ordinary skill in the art, sitting with the cited references on his desk, would not find the claimed invention obvious because the elements discussed are absent from the references. *See In re Winslow*, 365 F.2d 1017, 1021 (CCPA 1996). Here, it is difficult to see how a person of ordinary skill in the art, having the references before him, would come up with the claimed invention because at least some of the claimed elements appear to be absent from the references. Applicants, therefore, submit that the newly presented claim 1 is in condition for allowance and respectfully request the withdrawal of the §103 rejection as applied to claim 1 in light of the new amendments.

F. Newly Presented Claims

Applicants have additionally amended the claim set to include new claims 31-49. These new claims are additionally believed to be in condition for allowance. These newly presented claims include 3 new independent claims, claims 35, 36, and 49. Claims 36-48 claim an article comprising a machine readable storage medium, storing instructions operable to cause a machine to perform operations that are similar to what is claimed in claims 1-4, 8-9, and 28-35.

Applicants respectfully request full consideration of these claims as Applicants believe these claims are in condition for allowance.

G. Double Patenting Rejection

The Examiner further directed a non statutory double patenting rejection between the present application and application 10/750,229. Applicants contend that the claims, as amended, now provide sufficient distinction from the additionally cited application to obviate a double patenting rejection. Therefore, Applicants respectfully requests removal of the double patenting rejection.

H. Conclusion

In light of the cancellation of claims 5, 7, and 10-27, Applicants submit that the newly amended claim set dose not incur any additional fees despite the addition of claims 31-49, as the claim set retains 30 total claims. Therefore, this response is not believed to necessitate any additional fees. However, in the event that additional fees are due, please charge or credit any refund to our Deposit Account No. 50-2324.

While the Applicants respectfully assert that the subject application is now in condition for allowance, the Examiner is invited to telephone Applicants' attorney (@ 617-305-2143) to facilitate / expedite prosecution of this application. Allowance of the subject application is respectfully solicited.

Respectfully Submitted,

Dated: 20 November 2008

/Brian J Colandreo/
Brian J Colandreo
Reg. No. 42,427

Holland & Knight LLP
10 St. James Avenue
Boston, MA 02116-3889
Telephone 617-305-2143
Facsimile 617-523-6850

5794163_v4